

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

DANIEL LOVELACE and
HELEN LOVELACE, Individually, and as Parents of
BRETT LOVELACE, deceased,

Plaintiffs,

Vs.

No. 2:13-cv-02289 SHL-dkv
JURY TRIAL DEMANDED

PEDIATRIC ANESTHESIOLOGISTS, P.A.;
BABU RAO PAIDIPALLI; and
MARK P. CLEMONS,

Defendants.

**DEFENDANTS', PEDIATRIC ANESTHESIOLOGISTS, P.A., AND BABU RAO
PAIDIPALLI, MD'S, PRETRIAL DISCLOSURES**

Come now the defendants, Pediatric Anesthesiologists, P.A. and Babu Rao Paidipalli, M.D., by and through Counsel of record and submit their pretrial disclosures pursuant to Fed. R. Civ. P. 26 (a) (3)¹:

I. The name and, if not previously provided, the address and telephone number of each witness – separately identifying those the party expects to present and those it may call if the need arises. (Fed. R. Civ. P. 26(a)(3)(A)(i))

THESE DEFENDANTS MAY CALL

1. Rao Paidipalli, M.D.
 - a. Address and Telephone Number Previously Provided
2. Grace Freeman, CRNA
 - a. Address and Telephone Number Previously Provided

¹ Pursuant to Fed. R. Civ. P. 26 (a) (3), Defendants reserve the right to present undisclosed evidence at trial used solely for impeachment.

3. Mark Clemons, M.D.

a. Address and Telephone Number Previously Provided

4. Kelly Kish, RN
9972 Parrish Drive,
Lakeland, TN 38002
(901) 867-1058

5. Timothy Martin, M.D.

a. Address and Telephone Number Previously Provided.

6. Ira Landsman, M.D.

a. Address and Telephone Number Previously Provided

7. Dwayne Accardo, CRNA

a. Address and Telephone Number Previously Provided

8. Diane Dowdy, RN.

a. Address and Telephone Number Previously Provided

9. Edward L. Brundick, III

a. Address and Telephone Number Previously Provided

10. Jerome Thompson, M.D.

a. Address and Telephone Number Previously Provided

11. Jay Werkhaven, M.D

a. Address and Telephone Number Previously Provided

12. Joel A. Saltzman, M.D
Chief of Anesthesiology for Pediatric Anesthesiologists, P.A
Designated Corporate Representative
50 North Dunlap Street
Memphis, TN 38103
(901) 287-5437

13. Custodian of Records for Methodist LeBonheur Hospitals
50 North Dunlap
Memphis, TN 38103
901-516-6000
14. Custodian of Records for University of Tennessee Medical Group
777 Washington Ave., Suite P110
Memphis, TN 38105
(901)-866-8864
15. Custodian of Records for Mid-South Pediatricians
2921 Highway 77, Suite 21
Marion, AR 72364
870-739-5311
16. Custodian of Records for DaySpring Behavioral Services
2688 N. State Highway 77
Marion, AR 72364
Telephone: 870-739-1700
17. Custodian of Records for Tennessee Board of Nursing
665 Mainstream Drive
Nashville, TN 37243
(615) 532-7665
18. Custodian of Records for Memphis Neurology
7645 Wolf River Circle
Germantown, TN 38138-1743
(901)-405-0275

IF THE NEED ARISES, DEFENDANTS RESERVE THE RIGHT TO CALL

1. Helen Lovelace
 - a. Address and Telephone Number Previously Disclosed
2. Daniel Lovelace
 - a. Address and Telephone Number Previously Disclosed
3. Curtis Lovelace
 - a. Address and Telephone Number Previously Disclosed

4. Taylor Lovelace

a. Address and Telephone Number Previously Disclosed

5. Frank J. Peretti, M.D.

a. Address and Telephone Number Previously Provided

6. Shirley Pickering

State Nursing Board Investigator
2979 Highway 45 Bypass, #C, Jackson, TN 38305
(731) 984-9724

7. Marc R. Guilford

Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
220 Athens Way, Suite 210
Nashville, Tennessee 37243
(615) 741-1611

8. Denise L. Moran

Tennessee Department of Health
Office of Investigations
227 French Landing, Suite 201
Nashville, TN 37243
(615) 532-3421

9. Thomas G. Stovall

312 Rosa L. Parks Avenue
Snodgrass Tower
Nashville, TN 37243
(615) 741-7008

10. Wayne Sutler

50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

11. Elesia Turner, R.N.

50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

12. Mark Bugnitz, M.D.
848 Adams Avenue
Memphis, TN 38103
(901) 287-6261

13. Elizabeth Hinson, RN
50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

14. Margaret Yoste
50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

15. Brittany Dye
50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

16. Samantha Ransone, RN
50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

17. Sue Watson
50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

18. Custodian of Medical Equipment at LeBonheur Hospital
50 N. Dunlap Street
Memphis, TN 38103
(901) 287-5437

19. Any witnesses identified by co-defendant, Mark Clemons, M.D.

20. Any witnesses identified by Plaintiffs

II. Designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition. (Fed. R. Civ. P. 26(a)(3)(A)(ii))

The Defendants anticipate using all or portions of the following depositions subject to the Court's ruling on objections in the depositions pursuant to the Tennessee Rules of Evidence:

1. Deposition of Helen Lovelace
2. Deposition of Daniel Lovelace
3. Evidentiary Deposition of Dr. Ira Landsman

III. Identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises. (Fed. R. Civ. P. 26(a)(3)(A)(iii))

DEFENDANTS MAY OFFER

1. Allegations Report from the Tennessee Department of Health Office of Investigations dated March 27, 2012 regarding Kelly Kish's care in the PACU of LeBonheur Children's Hospital on March 12, 2012.
2. Affidavit of Denise L. Moran dated September 30th, 2013.
3. Tennessee Board of Nursing Agreed Order dated February 22, 2013 which outlines the State's investigation into Kelly Kish, R.N's treatment of Brett Lovelace and the disciplined rendered.
4. Medical Records of Methodist Healthcare – Memphis Hospitals d/b/a LeBonheur Children's Hospital's pertaining to the treatment. (Bates MLBH 0001 to 0591).
5. Methodist LeBonheur PACU monitor strips used in the care of Brett in the PACU on March 12, 2012.
6. Brett Lovelace's Healthcare records from Dayspring Behavioral Services in Marion Arkansas. (Bates DBHS 0001-0506).

7. Brett Lovelace's Healthcare records from UT Medical Group (Bates UTMG 0001 – 0024).
8. Brett Lovelace's Healthcare records from Memphis Neurology (Bates MN 0001-0024).
9. Brett Lovelace's Healthcare records from Mid South Pediatrics (Bates MSP 0001 – 00206)
10. Dr. Mark Clemons' Medical Records
11. Landsman IS, Wekhaven J: Anesthesia for Pediatric Otorhinolaryngologic Surgery. In Motoyama EK and Davis PJ ed. Smith's Anesthesia for Infants and Children. Mosby, New York: pp. 789-822, 2006.
12. Landsman IS: Anesthesia for Pediatric Otorhinolaryngologic Surgery. In Motoyama EK and Davis PJ ed. Smith's Anesthesia for Infants and Children. Mosby, Philadelphia: pp. 786-820, 2011.
13. Chart Illustration of Aldrete Scores and Kish's Charting of Aldrete Scores
14. Chart Illustration of Kelly Kish's Charting of Vital Signs and Aldrete Scores
15. Illustrations of Brett's Positioning
16. Jackson Reese Oxygen Delivery System including mask and ambu bag
17. Exemplar of Pulse Oximeter Probe
18. Exemplar of Endotracheal Tube
19. Facebook Logo
20. Caring Bridge Logo
21. Photograph of Babu Rao Paidipalli.
22. Photograph of Grace Freeman
23. Photograph of Telephone issued by Methodist to Dr. Paidipalli.

24. Photographs of LeBonheur PACU including photograph of exemplar gurney used to transport patient between OR and PACU. (PACU Photos 001-040)
25. Schematics Diagram of 2nd Floor of the Le Bonheur Children's Hospital.
26. Defendant reserved the right to utilize selected photographs (provided by Plaintiffs' counsel during discovery) of Brett Lovelace taken at LeBonheur prior to and immediately following the March 12, 2012 operation subject to the Court's ruling on anticipated motions in limine and objections made to these numerous photographs.
27. Curriculum Vitae of Rao Paidipalli, M.D.
28. Curriculum Vitae of Grace Freeman, CRNA
29. Curriculum Vitae of Timothy Martin, M.D.
30. Curriculum Vitae of Ira Landsman, M.D.
31. Curriculum Vitae of Dwayne Accardo, CRNA
32. Curriculum Vitae of Diane Dowdy, R.N.
33. Curriculum Vitae of Edward L. Brundick
34. All pleadings and discovery responses filed by Plaintiffs

IF THE NEED ARISES, DEFENDANTS RESERVE THE RIGHT TO OFFER:

1. Redacted Personnel File of Kelly Kish from Methodist LeBonheur
2. Staffing logs from Methodist LeBonheur PACU
3. Any exhibits to any depositions taken in this cause
4. Curriculum Vitae of Jerome Thompson, M.D.
5. Curriculum Vitae of Jay Werkhaven, M.D.
6. Curriculum Vitae of Jason Kennedy, M.D.
7. Any Exhibit Identified by Co-Defendant

8. Any Exhibit Identified by Plaintiffs

By: W. Bradley Gilmer
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via U.S. Mail to all counsel of record identified below:

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this 19th day of December, 2014.

s/ W. Bradley Gilmer
W. BRADLEY GILMER